

Attorney Reference No.: 006001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 25 2004

Applicant : Russell A. Houser et al. Art Unit : 3618
 Serial No. : 10/050,944 Examiner : Hau Van Phan
 Filed : January 22, 2002
 Title : Athletic devices and other devices with superelastic components

Commissioner for Patents
 Washington, D.C. 20231

120.00 DA

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RESPONSE TO OFFICE ACTION DATED SEPTEMBER 8, 2004

In view of the following remarks, reconsideration and allowance of this application are requested. Claims 13, 15-21, and 25-36 are pending with claims 26-29 and 31-34 being withdrawn from consideration. Claims 13, 31, and 35 are independent.

Claim 13 is directed to a ski or snowboard that includes a housing and a superelastic component configured and positioned with respect to the housing to provide an elastic response of the ski or snowboard to a deflection. The superelastic component includes at least one outwardly extending flexible outside edge that extends outwardly beyond the housing and is positioned at either or both of the front of the housing and the rear of the housing in a functionally noncontinuous manner between the front of the housing and the rear of the housing.

Claims 13, 15-21, 25, 30, 35, and 36 are rejected as being obvious over Julien (U.S. Patent No. 6,267,402). Julien discloses skis that use various superelastic components for various purposes. For example, Figs. 1 and 2 illustrate a ski or snowboard that includes two superelastic components 32, 34 positioned, and completely encapsulated, within the ski or snowboard. The two superelastic components of Figs. 1 and 2 are not continuous along the entire length of the ski or snowboard. Julien indicates that the purpose of the superelastic components in Figs. 1 and 2 is to provide damping of the vibration and chattering of the skis by flexing and staining the component as a consequence of the flexing of the ski. See Col. 3, lines 13-15 and 47-49.

In Fig. 3, Julien discloses replacing the nitinol strips 32, 34 with nitinol wires 40 in width-wise tubes 42 for providing damping to the skis. In Fig. 3, Julie also discloses a superelastic edge piece 100 that appears to be functionally continuous along the entire length of the ski or snowboard. As stated by Julien and recognized in the Office Action, the edge pieces 100 "provide superior edge holding ability and to be immune to rust and corrosion."

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Claim 35 is allowable at least for the reason claim 13 is allowable. Namely, because claim 35, like claim 13, recites a ski or snowboard that includes a housing and a superelastic component that includes at least one outwardly extending flexible outside edge that extends outwardly beyond the housing and is positioned at either or both of the front of the housing and the rear of the housing in a functionally noncontinuous manner between the front of the housing and the rear of the housing.

Claim 36 depends from claim 35 and is allowable at least for the reasons that claim 35 is allowable.

Applicant respectfully submits that all claims are condition for allowance. Applicants also petition as a small entity for a one month extension of time extending from December 8, 2004 to January 8, 2005. Authorization is given to apply any charges or credits to Deposit Account No. 502923.

Respectfully submitted;

Date: December 25, 2004

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